1. CALL TO ORDER

Mayor Severino called the meeting to order at 7:00 p.m.

2. "Sunshine Law" Announcement- Adequate notice of this public meeting has been provided by Annual Notice; published in the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk's Office.

3. FLAG SALUTE

4. ROLL CALL

	Present	Absent
Mr. Severino	X	
Mr. Hirt	X	
Mr. Sroka	X	
Mr. Neary		X
Mr. Mazza	X	

Also present J.P. Jost, Attorney, Robert Clerico, P.E., Grace Brennan, CFO and Municipal Clerk Ella M. Ruta.

5. APPROVAL OF PRIOR MEETING MINUTES

a. Regular Session and Executive Session Meeting Minutes of May 2, 2018. Mayor Severino had a minor correction to the Regular Session minutes.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka	X		X			
Mr. Neary						X
Mr. Mazza			X			

Motion carried

6. VISITORS

a. Paulo Matos – Property Owner – Block 5, Lots 17 & 17.01, 220 Van Syckel's Road: Mr. Matos appeared before the Committee seeking approval to hold a special event (rodeo) on August 25th and 26th, 2018 at his property. He said, the Zoning Officer recommended that he come to a Committee meeting. Mr. Matos provided details of the proposed event. After a lengthy discussion, the Committee recommended that Mr. Matos go to the Planning Board for their review. Atty. Jost stated that he is uncertain if the event would be a permitted use. Mr. Matos was advised to contact the Planning Board secretary to request placement on the May 24, 2018 agenda. Mayor Severino asked Committee members if they were in favor of the proposal, if it was a permitted use. A straw poll revealed all members favored the event.

7. REPORTS RECEIVED - Acknowledged

- a. Road Dept.- Week Ending; 4/20/18; 4/27/18; 5/04/18
- b. Animal Control Officer April 2018
- c. Zoning Officer April 2018

- d. Municipal Court April 2018
- e. Public Safety Coordinator Mr. Strauss submitted and distributed a report to the Committee.
- f. Engineer's Report
- Perryville Road/Railroad Crossing Met with Railroad Engineer. Asked him for guidance/direction as to what is permitted. He anticipates a response within two-three weeks. Funding the project is an issue.
- Road Improvement Projects Will be reviewing Main Street Pattenburg issues with Mr. Hermann. Will also
 be discussing the road maintenance program with Mr. Hermann and will need direction from the Committee
 in that regard.
- Garage Roof Repairs Needs to obtain bids.
- MS4 Storm Water Permits Filed Permit with NJDEP. Mapping of storm water basins is progressing.

8. CORRESPONDENCE/WRITTEN COMMUNICATIONS

- PUBLIC COMMENTS Bryna Elder, 582 Main Street Pattenburg Received calls from residents regarding
 maintenance of foreclosed properties in Country Acres. Ms. Elder also mentioned an abandoned house on
 Bank Street.
- **10. PUBLIC HEARING** 2nd Reading
- 11. OLD BUSINESS None
- 12. NEW ORDINANCE 1st Reading
- 13. NEW BUSINESS

CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine by the Township Committee and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent Agenda and will be considered separate.

Mayor Severino asked that the following items be voted on separately:

a. Motion to Approve: – Request by Brian Hollenback to approve Fireworks display on 6/23/18 at The Grand Colonial

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka	X		X			
Mr. Neary						X
Mr. Mazza			X			

Motion carried

b. The following resolution was introduced for approval:

RESOLUTION #2018-54 UNION TOWNSHIP, HUNTERDON COUNTY

Rescinding Resolution #2018-36 Awarding 2018 Professional Services Contract for Bond Counsel

to Anthony J. Pannella, Jr., Esq., Esq. of the Firm Wilentz Goldman & Spitzer P.A.

WHEREAS, on February 7, 2018 The Township Committee of the Township of Union adopted Resolution #2018-36 awarding a contract to Anthony J. Pannella of Wilentz Goldman & Spitzer P.A. in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, subsequent to the Adoption of Resolution #2018-36 the Township Committee of the Township of Union has been notified that Anthony J. Pannella is deceased; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that Resolution #2018-36 appointing Anthony J. Pannella is hereby rescinded.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka	X		X			
Mr. Neary						X
Mr. Mazza			X			

Motion Carried

c. The following resolution was introduced for approval:

RESOLUTION #2018-55 UNION TOWNSHIP, HUNTERDON COUNTY

APPROVING 2018 AWARD OF CONTRACT OF PROFESSIONAL SERVICES FOR BOND COUNSEL Everett Johnson, Esq. of the Firm Wilentz Goldman & Spitzer P.A.

WHEREAS, there exists a need for specialized legal services in connection with the authorization and issuance of bonds or notes of the Township of Union (the "Township") in the Township of Union, County of Hunterdon, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by a recognized Bond Counsel firm, and the law firm of WILENTZ GOLDMAN & SPITZER P.A., 90 Woodbridge Center Drive, Suite 900, Box 10, Woodbridge, New Jersey, 07095-0958, is so recognized by the financial community; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union as follows:

1. The law firm of Wilentz Goldman & Spitzer P.A., Woodbridge, New Jersey, is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds or notes by the Township of Union in accordance with an Agreement at the hourly fee ranging from \$80.00 to \$220.00 per hour AND shall not exceed \$20,000.00;

- 2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.
- 3. <u>POLITICAL CONTRIBUTION DISCLOSURE</u>. This contract has been awarded to professional based on the merits and abilities of professional to provide the goods and services as described herein. This contract was not awarded through a "fair and open" process pursuant to N.J.S.A. 19:44A-20.4 *et seq.* As such, the professional does hereby attest that professional, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement commission pursuant to N.J.S.A.19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded.
- 4. A copy of this Resolution as well as the Contract shall be placed on file with the Clerk of the Township of Union.
- 5. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in the Hunterdon Democrat.

Date: May 16, 2018

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J	.A.C. 5:34-5.1 et seq.	, I, Grace M. Brennan	, as Chief Financial Of	ficer of
the Township of Union, have ascertain	ed that there are availa	able sufficient uncomn	nitted appropriated fund	s in the
2018 Temporary/Adopted Budget to a	ward a contract to Wil	lentz Goldman & Spit	zer P.A., as appropriate	d under
the line item "		_		
Date:				
	Grace	M. Brennan, CFO		

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Mr. Sroka	X		X			
Mr. Neary						X
Mr. Mazza		X	X			

Motion Carried

d. The following resolution was introduced for approval:

RESOLUTION #2018-56

UNION TOWNSHIP, HUNTERDON COUNTY APPOINTMENT – EMERGENCY MANAGEMENT COUNCIL

WHEREAS, the New Jersey state law requires the Township of Union to appoint an Emergency Management Council (LEPC) for which the Emergency Management Coordinator serves as chairperson.

WHEREAS, all required Municipal and County departments and first responder agencies are represented on the LEPC. (The list of members of the Union Township LEPC is attached.) Cooperatively, this group updates the Local Emergency Operations Plan.

NOW THEREFORE BE IT RESOLVED by the township Committee of the Township of Union to appoint listed LEPC members to the Emergency Management Council

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka	X		X			
Mr. Neary						X
Mr. Mazza			X			

Motion Carried

e. The following resolution was introduced for approval:

Resolution # 2018 – 57

Authorizing the Employment of Daniel Baker as a Full Time Employee for the Department of Roads and Facilities

WHEREAS, the Township of Union is in need of a full time employee for the Department of Roads and Facilities; and

WHEREAS, Daniel Baker is qualified and has been offered said position, and good cause appearing;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union that Daniel Baker shall be hired as a full-time employee for the Department of Roads and Facilities, effective June 1, 2018, to serve at the pleasure of the Township, at an annual salary of \$34,000.00.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Mr. Sroka	X		X			
Mr. Neary						X
Mr. Mazza		X	X			

Motion Carried

f. **PAYMENTS OF BILLS** – current of 5/16/18

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka	X		X			
Mr. Neary						X
Mr. Mazza			X			

TOWNSHIP COMMITTEE

MINUTES OF REGULAR MEETING May 16, 2018

Motion Carried

g. Discussion – Clerk's time sheet for 4/16/18 – 4/30/18 Personnel Liaison Sroka said he needs additional time to review.

14. REPORTS

- a. Attorney's Report
- Pilot Travel Centers Prepared a Resolution regarding Release of Performance Bond and asked that the same be approved:

TOWNSHIP OF UNION COUNTY OF HUNTERDON STATE OF NEW JERSEY

RESOLUTION 2018-58 Pilot Travel Centers, LLC Block 11, Lot 24.03

WHEREAS, Pilot Travel Centers, LLC, 5508 Lonas Road, Knoxville, Tennessee 37090 (the "Developer") received use variances, preliminary and final site plan approval, bulk variances, landscape/buffer variances, signage variances, and loading variances for the project known as Pilot Travel Center, Block 11, Lot 24.03, 66 Route 173 West, Clinton, Union Township, Hunterdon County, New Jersey (the "Development"), subject to posting of a satisfactory performance guarantee and entering into an appropriate development agreement with the **Township of Union** (the "Municipality"), and other conditions set forth in the Resolutions of the Union Township Planning Board dated September 25, 2008 and November 5, 2008 (the "resolutions"); and

WHEREAS, the Developer and the Municipality entered into a Developer's Agreement dated April 1, 2009 guaranteeing completion of all improvements required pursuant to the Resolutions and the Plans as described below; and

WHEREAS, the improvements required for the Development are set forth in the list of approved plans (the "Plans") enumerated in Schedule "B" attached to the Developer's Agreement and in the letter of the Municipal Engineer, Kevin M. Smith, P.E., dated March 3, 2009 attached to the Developer's Agreement as Schedule "C", and the Resolutions referred to above and attached to the Developer's Agreement as Schedule "A"; and

WHEREAS, the Municipal Land Use Ordinance and the Resolution require the Developer to enter into an agreement with the Municipality to ensure the operation and maintenance of the Stormwater Facility (the "Stormwater Management Facility Agreement"), a copy of which is attached hereto and incorporated as Schedule "D" attached to the Developer's Agreement; and

WHEREAS, the approved site plan of the Development includes on-site storm water management facilities and structures, more particularly depicted on sheets C5.0, C9.0, C10.0, C11.0 and C12.0 of the Plans, and more specifically delineated on Schedule "D" attached to the Developer's Agreement and incorporated therein (the "Stormwater Management Facility") and

WHEREAS, said Developer's Agreement provided for a total performance guarantee of \$887,403.60, consisting of 10% cash in the amount of \$88,740.36 and a Surety Bond in the amount of \$798,663.24, and the Developer posted said 10% cash and Surety Bond No. 83B004660 issued by Liberty Mutual Insurance Company in the amount of \$977,369.00.

WHEREAS, the Union Township Planning Board, on or about July 9, 2009, approved a modification of the Developer's Site Plan approval to permit the relocation of certain site improvements, subject to conditions imposed by the Board, as set forth in the resolution of the Union Township Planning Board adopted July 23, 2009, and the Developer and the Municipality entered into an Amendment to the Developer's Agreement dated August 5, 2009, with said resolution attached to said amendment to the Developer's Agreement as Schedule "A"; and

WHEREAS, conditions 1.(k) and (l) of said approval required certain off-site improvements to NJ State Highway 173 and the I-78 exit directly across from Developer's site; and

WHEREAS, pursuant to said Amendment to Developer's Agreement, Developer furnished a supplemental performance guarantee in the amount of \$100,000.00 being Surety Bond No. 105311533 issued by Traveler's Casualty and Surety Company of America in the amount of \$100,000.00, a true copy of which is attached to the amendment to Developer's Agreement as Schedule "B", the supplemental performance guarantee being posted by the Developer to guarantee the completion of any improvements required by NJDOT as a result of or associated with the development and/or the Developer's application to NJDOT for a DOT access permit in connection with said development; and

WHEREAS, Developer furnished a Maintenance Bond dated October 6, 2009 issued by Traveler's Casualty and Surety Company of America, Bond No. 105349884, in connection with the issuance of a temporary certificate of occupancy for the Development; and

WHEREAS, the New Jersey Department of Transportation Supervising Engineer, in a letter dated November 16, 2017, has approved the off-site intersection improvements for Route 173 and found the work to be performed in accordance with the executed permit, application A-173-C-C070-2006; and

WHEREAS, on September 5, 2012 the Union Township Committee adopted Ordinance No. 2012-14, at the request of the Developer and pursuant to N.J.S.A. 39:4-8 establishing traffic regulations applicable to the Pilot Travel Centers, LLC facility, Block 11, Lot 24.03 in the Township of Union, and pursuant to a Title 39 Traffic Control Plan certified by Township Engineer Robert J. Clerico, P.E., and

WHEREAS, Township Engineer Robert J. Clerico, P.E., by e-mail dated April 2, 2018 and photo report dated March 28, 2018, found the on-site Title 39 signage to be in place and acceptable, and good cause appearing, and has further certified that all of the aforementioned site improvements have been satisfactorily installed and are acceptable; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that, upon verification by the Union Township Chief Financial Officer that all inspection/professional escrow bills have been paid and/or sufficient escrow funds remain on deposit to pay all such inspection/professional bills, the following performance/maintenance guarantees posted by the Developer shall be discharged and released, together with any remaining unexpended inspection/professional escrow funds on deposit, which shall be released to the Developer.

Cash (10%) Amount: \$ 88,740.36

Plus accrued interest

Surety Bond No. **83B004660** Amount: \$ **977,369.00**

Issued by: Liberty Mutual

Insurance Company

Surety Bond No. **105311533** Amount: \$ **100,000.00**

Issued by: **Traveler's Casualty and Surety Company**

of America

Surety Bond No. **105349884** Amount: \$ **110,925.45**

Issued by: Traveler's Casualty and Surety Company

of America

BE IT FURTHER RESOLVED, that pursuant to P.L. 2017, c. 312, N.J.S.A. 40:55D-53, as amended, whereas none of the above onsite improvements are being dedicated to the Municipality, no maintenance bond shall be required for the said site improvements; and

BE IT FURTHER RESOLVED, that the Union Township Zoning Officer and the State Office of Construction Code Inspection shall be notified that the Township consents to the issuance of a permanent Certificate of Occupancy for the Development; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon satisfaction of the above conditions.

Ella M. Ruta, Municipal Clerk	Matt Severino, Mayor

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka	X		X			
Mr. Neary						X
Mr. Mazza			X			

Motion Carried

- Property Maintenance Ordinance Made some changes to the Ordinance pertaining to water run off onto neighboring properties and permit obtaining issues. Mr. Jost said the Ordinance might be ready to introduce at the next meeting.
- Driveway Ordinance meeting held with Messrs. Clerico and Neary. Mr. Clerico has amended the Driveway Checklist to address minor improvements. Mr. Jost has also made some proposed changes.
- Cable TV The last Ordinance was 2005 7 for a Franchise term of fifteen years. Mayor Severino said the Committee should act as the Cable TV Committee.

Atty. Jost asked that the following motion be approved:

To appoint the Township Committee members to serve as the Cable TV Committee.

Voice Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka	X		X			
Mr. Neary						X

Motion Carried

b. Committee Report

Mr. Hirt reported the following:

- Matter for Executive Session
- Hardy's Landscaping will provide quotes for planting appropriate vegetation by the new storage building.
- Gutters at Municipal Building Waiting for someone to make repairs.

Mr. Mazza reported the following:

- Millbrook Baseball Field Dragged the field and removed weeds in response to a resident's concern.
- Foster Wheeler Said FW would be donating file cabinets, a table, conference chairs and desks.
- Part-time moving position at Millbrook and Finn Road Parks. Still seeking applicants for the position.
- Pilot Travel Center Left Turn Issue Mayor Severino said he left a message with State Police Trooper Walsh.

c. Mayor's Report

- Recycling Tonnage Grant Application Spoke with Recycling Coordinator Peake who will forward
 information to Hunterdon County. Hunterdon County will certify the Tonnage Report.
- Spoke with a man who represents an investment group regarding the potential for building a 40,000 square-foot marijuana cultivating, processing and retail sales business in the Township. Mr. Severino advised him to contact the Planning Board Office to ask Board Members for their thoughts regarding the proposal.
- Directional sign to Pilot at Rupell Road/Route 173 The sign has been re-installed.

15. PUBLIC COMMENTS

Grace Brennan, 57 Country Acres Drive – Mentioned massive potholes on Frontage Road. Mr. Clerico will
contact appropriate personnel.

16. EXECUTIVE SESSION

The following Resolution was introduced for adoption:

RESOLUTION #2018-59

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et. seq.,; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

UNION TOWNSHIP

MINUTES OF REGULAR MEETING May 16, 2018

1 Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
2Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted nvasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
6. X Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigation of possible violations of the law.
7 Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
B Matters Relating to the Employment Relationship: Any matter involving the employment, appointment termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in public session on May 16, 2018, at 8:17 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Mr. Sroka	X		X			
Mr. Neary						X
Mr. Mazza		X	X			

Motion Carried

The Committee returned to regular meeting session at 8:26 p.m.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka	X		X			
Mr. Neary						X
Mr. Mazza			X			

Motion Carried

17. ADJOURNMENT

There being no further business to come before the Township C	ommittee at this time Mr. Sroka made a motion to
adjourn the meeting at 8:27 p.m. Mr. Hirt seconded the motion.	Motion carried by unanimous favorable roll call
vote.	
Transcribed by: Grace A. Kocher, Deputy Clerk	Matt Severino, Mayor